

THE CITY OF NORFOLK



To the Honorable Council
City of Norfolk, Virginia

February 8, 2022

From: Richard Broad
Director of Public Works

Subject: Encroachment at 1366 Brunswick Avenue

Reviewed:

Ward/Superward: 2/6

Patrick Roberts, Deputy City Manager

Approved:

Dr. Larry H. Filer II, City Manager

Item Number: C-3

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Michael C. Rosenblum and Nicole G. Rosenblum
1366 Brunswick Avenue
Norfolk, Virginia 23508

III. **Description:**

This agenda item is an ordinance permitting Michael C. Rosenblum and Nicole G. Rosenblum to encroach with a fence in the right of way of Carillo Avenue and Brunswick Avenue at 1366 Brunswick Avenue.

IV. **Analysis:**

An encroachment is an object or structure that infringes into the City of Norfolk's (the "City's") rights-of-way or property. *Norfolk City Code*, § 42-10, requires all encroachments into the rights-of-way to be approved by City Council. The encroachment will allow Michael C. Rosenblum and Nicole G. Rosenblum to formally encroach into the right of way of Carillo Avenue and Brunswick Avenue at 1366 Brunswick Avenue with picket style fence in the front and side yards respectively.

V. **Financial Impact:**

General liability insurance with a limit of not less than \$500,000 each occurrence, 1,000,000 general aggregate, that shall cover liability arising from premises and/or

operations directly associated with this encroachment and listing the City of Norfolk as an additional insured has been provided.

VI. Environmental:

There are no known environmental concerns associated with this action.

VII. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action:

The Department of Public Works, Department of Transit, City Planning, and the City Attorney's Office have reviewed this request for encroachment and offer no objections.

IX. Coordination/Outreach:

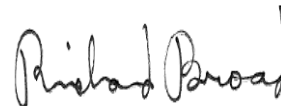
This letter and ordinance have been coordinated with Department of Public Works and the City Attorney's Office.

Supporting Material:

- Exhibit A to Ordinance (PDF)

Form and Correctness Approved: *BAP*

Contents Approved:

By: _____
Office of the City AttorneyBy: _____
DEPT. Public Works

NORFOLK, VIRGINIA

Ordinance No.

AN ORDINANCE GRANTING MICHAEL C. ROSENBLUM AND NICOLE G. ROSENBLUM PERMISSION TO ENCROACH INTO THE RIGHTS-OF-WAY OF CARILLO AVENUE AND BRUNSWICK AVENUE AT 1366 BRUNSWICK AVENUE WITH A FENCE.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Michael C. Rosenblum and Nicole G. Rosenblum (the "Rosenblums") to encroach into the rights-of-way of Carillo Avenue and Brunswick Avenue at 1366 Brunswick Avenue with a fence, as shown on Exhibit A attached hereto. Such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, the Rosenblums, or their successors and assigns, shall immediately remove the encroaching structure.
- (2) That upon the removal of the encroaching structure or any part thereof, the authority hereby granted shall cease and terminate.
- (3) That the Rosenblums, or their successors and assigns, at their own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least \$500,000.00 each occurrence and \$1,000,000.00 general aggregate against liability from claims, actions and suits that may be

asserted or brought against the City and/or the Rosenblums, and their successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of property resulting from the installation, maintenance, or existence of said encroaching structure, with evidence of such insurance being provided to the City.

- (4) That the City shall not be responsible for any damage to the encroaching structure, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way at the property address of 1366 Brunswick Avenue.

Section 2:- That the failure of the Rosenblums, or their successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

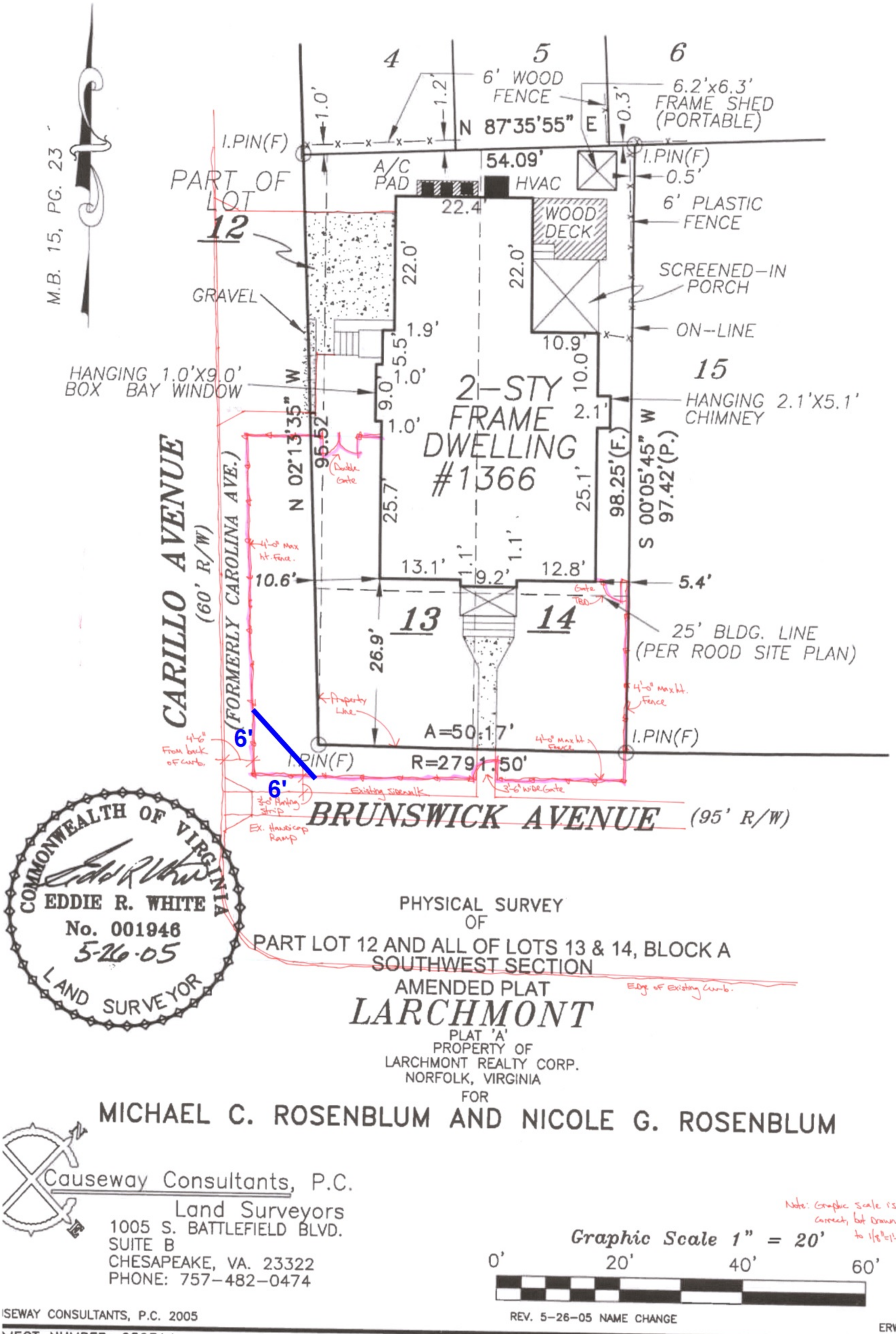
Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by the Rosenblums, and their successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

Attachment:

Exhibit A - Encroachment (1 page)

EXHIBIT A TO ORDINANCE



Attachment: Exhibit A to Ordinance (Encroachment at 1366 Brunswick Avenue)

A-SK
Rosenblum Residence
Fence Encroachment Sketch.
8/20/2021 1/8"=1'-0"